

Senate Bill 63

By: Senators Seabaugh of the 28th and Weber of the 40th

A BILL TO BE ENTITLED

AN ACT

To amend Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mechanics and materialmen, so as to provide a definition of "single-family residential real estate"; to provide for an exemption to certain liens for single-family residential real estate; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mechanics and materialmen, is amended by revising Code Section 44-14-360, relating to definitions, to read as follows:

"44-14-360.

As used in this part, the term:

(1) 'Contractor' means a contractor having privity of contract with the owner of the real estate.

(2) 'Land surveyor' means the same as the definition thereof in Code Section 43-15-2.

(3) 'Materials,' in addition to including those items for which liens are already permitted under this part, means tools, appliances, machinery, or equipment used in making improvements to the real estate, to the extent of the reasonable value or the contracted rental price, whichever is greater, of such tools, appliances, machinery, or equipment.

(4) 'Materialmen' means all persons furnishing the materials, tools, appliances, machinery, or equipment included in the definition of materials in paragraph (3) of this Code section.

(5) 'Professional engineer' ~~means the same as the definition thereof~~ shall have the same meaning as provided in Code Section 43-15-2.

(6) 'Registered forester' ~~means the same as the definition of such term~~ shall have the same meaning as provided in Code Section 12-6-41.

(7) 'Registered land surveyors' ~~and or~~ or 'registered professional engineers' means land surveyors or professional engineers who are registered as land surveyors or professional

1 engineers under Chapter 15 of Title 43 at the time of performing, rendering, or furnishing
2 services protected under this part.

3 (8) 'Residential property' means single-family and two-family, three-family, and
4 four-family residential real estate.

5 (9) 'Single-family residential real estate' means an owner occupied structure designed for
6 use as a dwelling unit for one family, including but not limited to houses, condominium
7 units, or any combination of manufactured homes and lots.

8 (10) 'Subcontractor' means, but is not limited to, subcontractors having privity of contract
9 with the contractor."

10 SECTION 2.

11 Said part is further amended by revising subsection (a) of Code Section 44-14-361, relating
12 to creating liens, to read as follows:

13 "(a) The following persons shall each have a special lien on the real estate, factories,
14 railroads, or other property for which they furnish labor, services, or materials with the
15 exception of labor, services, or materials furnished for single-family residential real estate
16 which shall not be subject to any special lien pursuant to this Code section:

17 (1) All mechanics of every sort who have taken no personal security for work done and
18 material furnished in building, repairing, or improving any real estate of their employers;

19 (2) All contractors, all subcontractors and all materialmen furnishing material to
20 subcontractors, and all laborers furnishing labor to subcontractors, materialmen, and
21 persons furnishing material for the improvement of real estate;

22 (3) All registered architects furnishing plans, drawings, designs, or other architectural
23 services on or with respect to any real estate;

24 (4) All registered foresters performing or furnishing services on or with respect to any
25 real estate;

26 (5) All registered land surveyors and registered professional engineers performing or
27 furnishing services on or with respect to any real estate;

28 (6) All contractors, all subcontractors and materialmen furnishing material to
29 subcontractors, and all laborers furnishing labor for subcontractors for building factories,
30 furnishing material for factories, or furnishing machinery for factories;

31 (7) All machinists and manufacturers of machinery, including corporations engaged in such
32 business, who may furnish or put up any mill or other machinery in any county or who may
33 repair the same;

34 (8) All contractors to build railroads; and

35 (9) All suppliers furnishing rental tools, appliances, machinery, or equipment for the
36 improvement of real estate."

- 1 **SECTION 3.**
- 2 All laws and parts of laws in conflict with this Act are repealed.